

A-6267 (a-d) (Special Permit Requests)

- a) Construct a new pair of cheekwalls alongside new steps in the Primrose Street public right-of-way. The proposed walls would terminate twelve (12) inches from the public sidewalk;
- b) Install a handrail measuring six (6) feet in length alongside the west side of the proposed steps. The proposed handrail would be located two (2) feet from the public sidewalk at its closest point.
- c) Install a lamp post in the Primrose Street public right-of-way. The proposed lamp post would be located alongside the west side of the proposed new walkway and would be located nine feet, two and three-quarters inches (9'-2 $\frac{3}{4}$ "') from the public sidewalk;
- d) Replace a concrete driveway with a bluestone border the apron of which would measure a maximum of thirty-three (33) feet in length in front of the two car garage in the rear (north) yard of the property.

Mr. & Mrs. Alex Sternhell
27 Primrose Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
FEBRUARY 11, 2013 MEETING
STAFF INFORMATION REPORT**

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 2/7/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6267(A-D) SPECIAL PERMIT REQUEST
MR. & MRS. ALEX STERNHELL, 27 PRIMROSE STREET TO:

A) CONSTRUCT A NEW PAIR OF CHEEKWALLS ALONGSIDE NEW STEPS IN THE
PRIMROSE STREET PUBLIC RIGHT-OF-WAY. THE PROPOSED WALLS WOULD TERMINATE
TWELVE (12) INCHES FROM THE PUBLIC SIDEWALK;

B) INSTALL A HANDRAIL MEASURING SIX (6) FEET IN LENGTH ALONGSIDE THE WEST
SIDE OF THE PROPOSED STEPS. THE PROPOSED HANDRAIL WOULD BE LOCATED TWO
(2) FEET FROM THE PUBLIC SIDEWALK AT ITS CLOSEST POINT.

C) INSTALL A LAMP POST IN THE PRIMROSE STREET PUBLIC RIGHT-OF-WAY. THE
PROPOSED LAMP POST WOULD BE LOCATED ALONGSIDE THE WEST SIDE OF THE
PROPOSED NEW WALKWAY AND WOULD BE LOCATED NINE FEET, TWO AND THREE-
QUARTERS INCHES (9'-2¾") FROM THE PUBLIC SIDEWALK;

D) REPLACE A CONCRETE DRIVEWAY WITH A BLUESTONE BORDER THE APRON OF
WHICH WOULD MEASURE A MAXIMUM OF THIRTY-THREE (33) FEET IN LENGTH IN
FRONT OF THE TWO CAR GARAGE IN THE REAR (NORTH) YARD OF THE PROPERTY.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-31 (b) (4) states in pertinent part:

All walls shall be constructed at least three (3) feet from the public sidewalk...

The Chevy Chase Village Code § 8-31 (c) states:

Except as provided in Section 8-31(b), no structures, play equipment, fence, wall, tree, hedge
or shrubbery, or any growth shall be permitted on public property devoted to private use
without a special permit from the Board of Managers.

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without
a special permit from the Board of Managers, except that the apron in front of a
two-car garage may extend the full width of the two-car garage, provided that such
apron does not exceed twenty (20) feet in length.

APPLICABLE COVENANTS:

None; covenants are not required for Special Permits authorized by Article IV and Section 8-26
of the Village Code.

FACTUAL AND BACKGROUND INFORMATION:

The proposed work is part of a larger renovation project ongoing at the property which includes a rear addition side terrace, hardscaping and landscaping.

The Applicants were granted a variance in conjunction with this project in July of 2011 to construct a terrace on the west (side) of the house, a portion of which would encroach forty (40) inches forward of the front building restriction line, in order to connect to the existing front porch.

The Applicants have not yet obtained approval from the Historic Preservation Commission for this proposed special permit work. The Applicants have been in consultation with the HPC staff on the hardscaping aspects of the project and reconfiguring the front steps of the existing front porch.

NOTE: The Applicants were preparing a variance request to reconfigure the front steps, which would have increased the existing encroachment forward of the front building restriction line. They withdrew that request for this month's meeting as they continue to consult with HPC staff on the design of the reconfigured steps.

Cases A, B & C:

Currently entry to the yard is from either a walkway at the far-west end of the double lot that leads across the yard to a set of steps at the west side of the front porch or, on the east, from the driveway, that leads to a set of steps at the east side of the front porch.

The Applicants state in their application that they propose to construct the front steps and walkway to provide a visually clear entrance to the property from the public sidewalk that does not involve use of the driveway.

The Applicants propose to construct a set of steps from the public sidewalk, centered on the front porch, with a pair of flanking cheekwalls alongside the steps, with a single handrail, and to install a lamp post along the west side of the proposed walkway leading to a proposed landing running the length of the existing front porch (see plan).



Figure 1: View of 27 Primrose Street. The proposed steps and cheekwalls would be centered on the front porch, approximately in the area where the signs are posted.

The steps are requested due to the grade change from the public sidewalk up into the front yard of the property. The handrail is for safety on the steps. Handrails in the public right-of-way abutting residential properties are not regulated by Montgomery County.

The proposed cheekwalls would be located two (2) feet from the public sidewalk. The walls would measure twelve (12) inches in height and would slope with the grade, terminating at the top of the proposed steps.

There is currently a rolled curb measuring six (6) inches in height located twelve (12) inches from and inside the public sidewalk and running the length of the property.



Figure 2: Close-up of the sidewalk, twelve (12) inches of planting and the rolled curb.

Case D:

The Applicants propose to replace the driveway and garage apron in the same location. They propose to remove the existing concrete and replace it with concrete with a bluestone border. The footprint will not change (see plan).



Figure 3: View of the existing driveway and garage apron looking north.

The current garage apron is the full width of the garage, however it exceeds twenty (20) feet in length. The existing length (33') would not change.



Figure 4: Looking southwest towards the house.

The Village arborist has assessed the property for tree protection measures for the proposed project. There are no tree impact concerns related to the proposed work.

To date there have been no letters received from abutting and confronting neighbors regarding the requests.

Applicable Fees: Special Permit Fee: \$300.00; Building permit Application (for structures in the public right-of-way): \$50; Building Permit Application for Driveways and Features at Grade: \$30.
Total: \$380.00

RELEVANT PRECEDENTS

CASE A: (8-31(B)(4)):

(Note: Prior to 1999, any structure in the public right-of-way required approval from the Board of Managers) On November 23, 1993, Mr. & Mrs. Karl Corby of 2 West Newlands Street received approval to **construct** two stone pillars in the West Newlands Street public right-of-way. In 1993, Mr. & Mrs. John Murphy of 6 Newlands Street received approval to **extend** a retaining wall from the private property into the Newlands Street public right-of-way, terminating three feet, ten inches (3'-10") from the public sidewalk. On January 20, 1998, Mr. & Mrs. William Clinton, of East Melrose Street received approval to **construct** a stone wall in the East Melrose Street public right-of-way. Subsequent to the revision to the Code regarding structures in the public right-of-way, in 2004 Mr. & Mrs. Clarke Camper of 6 Primrose Street were granted a special permit to **extend** a retaining wall alongside the public sidewalk in front of their property. On July 14, 2008 Mr. Thad S. Kemp was granted a request to **construct** stone piers in the Oliver Street public right-of-way. In June 2012 Mr. & Mrs. Jeffrey Shuren of 108 Hesketh Street were granted permission to **construct** a new pair of cheekwalls alongside reconstructed steps in the Hesketh Street public right-of-way. The proposed walls would terminate twelve (12) inches from the public sidewalk.

CASE B (8-31 (C)):

On December 12, 2011, Mr. & Mrs. Stewart Bainum of 12 Primrose Street were granted a request to **install** a pair of handrails, each measuring nine (9) feet in length, on either side of the front steps located in the Primrose Street public right-of-way. In January 2012, Mr. & Mrs. Peter Keisler of 20 Magnolia Parkway were granted permission to **install** a handrail alongside a private walkway in the Magnolia parkway public right-of-way. In addition to these recent cases, there are many examples of iron handrails in similar locations within the Village public rights-of-way, although we do not have records of issuing permits or licenses for the installation of these structures.

CASE C (8-31 (C)):

In 1996 Mr. Daniel Lynn Korengold and Ms. Martha Lyn Dippell of 101 East Melrose Street were granted a special permit to **replace** the original electric lights on the tip of two stone piers in the East Melrose Street right-of-way with two new gas lighted lamps. In 1998 Mr. and Mrs. John P. Grant of 16 West Irving Street were granted special permits to **construct** two masonry piers with attached light fixtures. In 2004 Mr. & Mrs. Clark Camper of 6 Primrose Street were granted special permits in part to **install** a 7-foot high gas lamp post in the Primrose Street right-of-way. In 2004 Mr. & Mrs. Thomas G. Schendt were granted permission to **install** two lamp posts in the Grafton Street public right-of-way adjacent to a walkway leading from the public sidewalk to the applicants' front door. In July 2011 Christopher Erckert and Christopher Sperl of 28 Hesketh Street were granted a special permit to **maintain** a gas lamp post that had been installed in the Hesketh Street public right-of-way. In December of 2011 Mr. & Mrs. Peter Keisler were granted a special permit to **install** a lamp post in the Magnolia Parkway public right-of-way. In February 2012 Mr. & Mrs. Andrew Marino of 11 Primrose Street were granted permission to **install** a lamp post in the Primrose Street public right-of-way.

CASE D (8-26):

Many of the precedents related to driveway special permit requests involve requests for circular driveways (which have more than one pair of curb cuts), requests for "turnarounds", or requests for aprons wider than allowed in front of two-car garages, none of which are applicable in this case. This request does not involve a new or additional curb cut. The most relevant precedents therefore are as follows: On June 13, 1994 Mr. & Mrs. David Winstead of 5505 Kirkside Drive were granted permission to **construct** a parking pad measuring eleven (11) by seventeen (17) feet. On September 11, 1995 Mr. Brian Smith & Ms. Donna Holverson of 35 West Lenox Street failed to obtain permission for a "carriage court" measuring twenty (20) feet by twenty (20) feet. On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams of 21 East Melrose Street were granted permission to **expand** an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line. (This was to allow parking adjacent to a garage on Brookville Road. An existing driveway in the west side yard of the property was removed as part of the project). In September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were granted a special permit to **replace and expand** an existing gravel driveway with a paver driveway. The apron and turnaround area are located on private property and would have a maximum width of fifty-four (54) feet. On July 11, 2011, Laura Billings and David O'Neil of 5803 Kirkside Drive were granted permission to **replace** an existing concrete driveway with a brick driveway that measures a maximum of sixteen (16) feet in width in the Kirkside Drive public right-of-way and to **replace** an existing concrete driveway with a brick driveway that measures a maximum of twenty (20) feet in width on private property. On June 9, 2012 Mr. & Mrs. Alvin Schall of 103 Grafton Street were granted permission to **widen** an existing driveway to a maximum width of sixteen (16) feet. On October 8, 2012 Ms. Nancy Orvis and Mr. Michael Fistere of 12 West Irving Street were granted permission to **replace** an existing concrete driveway, the garage apron of which measures a maximum of twenty-three feet, seven inches (23'-7") in width. On November 13, 2012, Mr. & Mrs. Evgeny Bakhtin of 204 Primrose Street were granted permission to **maintain** a concrete garage apron that was widened and that measures twenty-seven feet, four inches (27'-4") in width, exceeding the width of the garage itself, in the rear yard of the property. On November 13, 2012, Mr. & Mrs. Steven Sprenger, 5501 Park Street were granted permission to **widen** an existing concrete driveway that would measure a maximum of twenty (20) feet in width in the front (south) yard of the property.

FINDINGS REQUIRED:

1. That the proposed special permit is authorized by the Village building regulations.
 2. That the proposed special permit will not adversely affect the public health, safety or welfare nor the reasonable use of the adjoining properties.
 3. That the proposed special permit can be granted without substantial impairment of the purpose and intent of the Village building regulations.
 4. That the structure authorized by the proposed special permit would not violate the covenants applicable to the subject property.
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Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6267(a), construction of the cheekwalls, based on the findings that ...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6267(b), installation of the handrail, based on the findings that ...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6267(c), installation of the lamp post, based on the findings that ...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6267(d), replacement of the driveway, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11th day of February 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6267 (a-d)
MR. & MRS. ALEX STERNHELL
27 PRIMROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to:

- a) Construct a new pair of cheekwalls alongside new steps in the Primrose Street public right-of-way. The proposed walls would terminate twelve (12) inches from the public sidewalk;
- b) Install a handrail measuring six (6) feet in length alongside the west side of the proposed steps. The proposed handrail would be located two (2) feet from the public sidewalk at its closest point.
- c) Install a lamp post in the Primrose Street public right-of-way. The proposed lamp post would be located alongside the west side of the proposed new walkway and would be located nine feet, two and three-quarters inches (9'-2 ¾") from the public sidewalk;
- d) Replace a concrete driveway with a bluestone border the apron of which would measure a maximum of thirty-three (33) feet in length in front of the two car garage in the rear (north) yard of the property.

The Chevy Chase Village Code § 8-31 (b) (4) states in pertinent part:

All walls shall be constructed at least three (3) feet from the public sidewalk....

The Chevy Chase Village Code § 8-31 (c) states:

Except as provided in Section 8-31(b), no structures, play equipment, fence, wall, tree, hedge or shrubbery, or any growth shall be permitted on public property devoted to private use without a special permit from the Board of Managers.

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting and confronting property owners on the 31st day of January, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

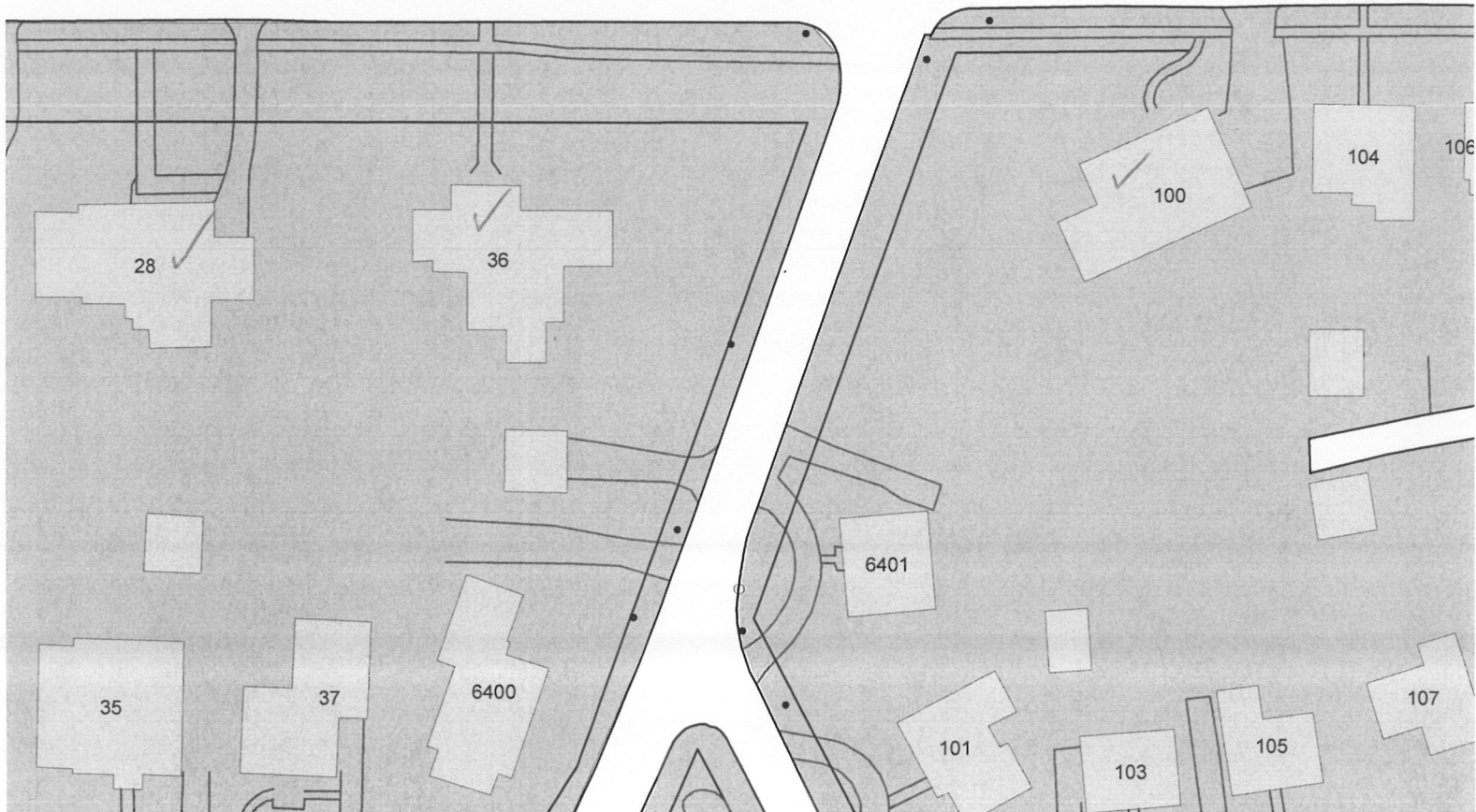
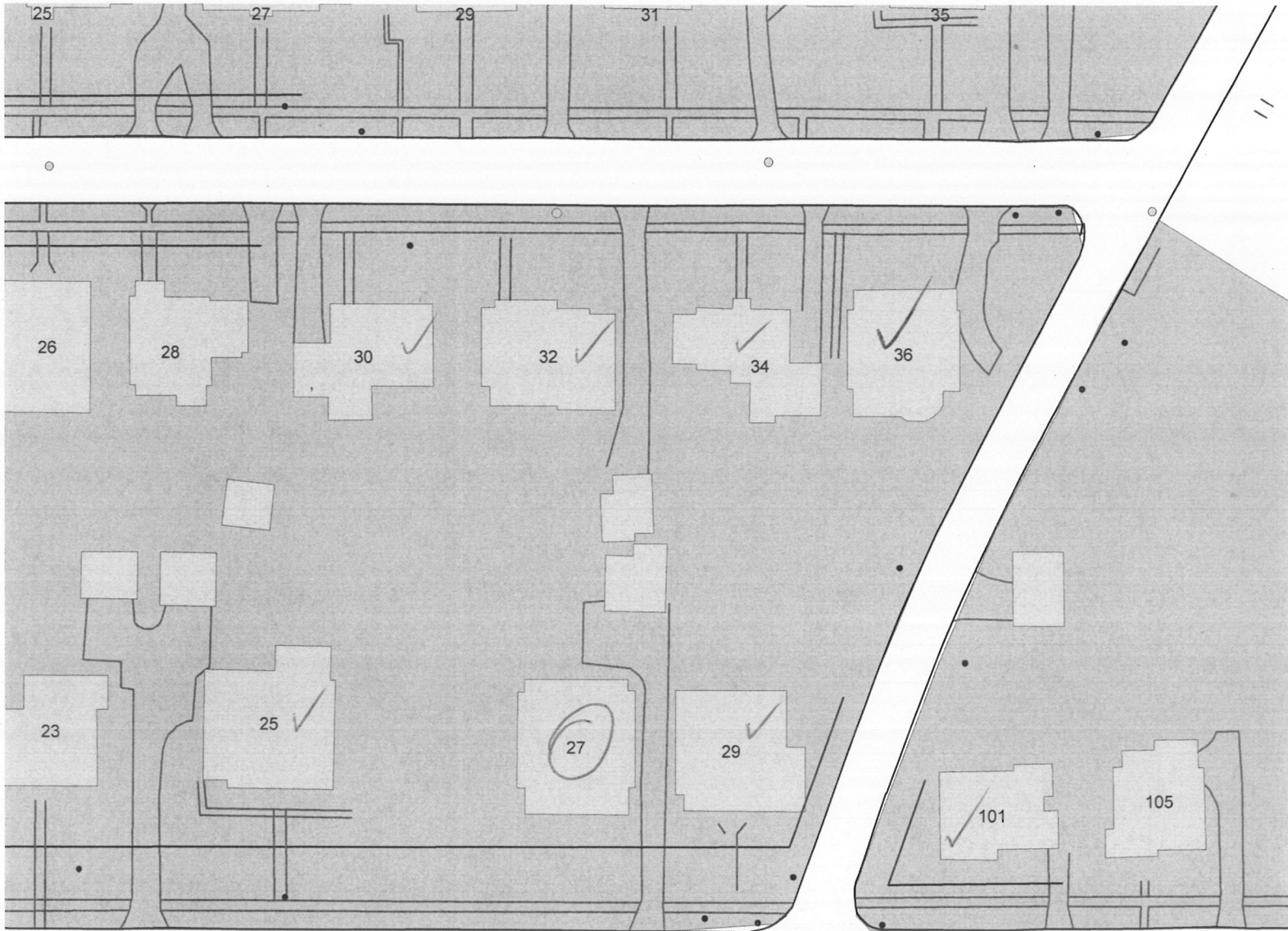
MAILING LIST FOR APPEALS A-6266 & A-6267(A-D)

**MS. KRISTY-LYNN SKUPA STERNHELL &
MR. ALEXANDER M. STERNHELL
27 PRIMROSE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Edward F. Dunne Or Current Resident 30 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Stephen Mysliwiec Or Current Resident 32 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. David M. Abbey Or Current Resident 34 Quincy Street Chevy Chase, MD 20815	Ms. Ruth Katz Or Current Resident 29 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Bruce R. Baschuk Or Current Resident 36 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. R. Scott Faley Or Current Resident 25 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. William Mills Or Current Resident 100 Primrose Street Chevy Chase, MD 20815	Ms. Tamara Harris Or Current Resident 101 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Chip Lindsay Or Current Resident 28 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Thomas K. Bourke Or Current Resident 36 Quincy Street Chevy Chase, MD 20815


I hereby certify that a public notice was mailed to the aforementioned property owners on the 31st day of January 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**





January 31, 2013

Mr. & Mrs. Alex Sternhell
27 Primrose Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Sternhell:

Please note that your requests to:

- Reconfigure the pair of steps at your property;
- Construct a pair of cheekwalls and new steps and install a handrail and lamp post in the Primrose Street public right-of-way; and
- Replace the existing concrete driveway

are scheduled before the Board of Managers on Monday, February 11, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your cases. At that time, additional documents may be introduced and testimony can be provided in support of the requests.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village

Enclosures

**Chevy Chase Village
Building Permit Application**

Permit No: A-6267 a-d
A-6266

Property Address: 27 Primrose Street, Chevy Chase Village	
Resident Name: Alex & Kristy Sternhell Daytime telephone: (301) 656-0209 Cell phone: (202) 441-5105 (Kristy) After-hours telephone: (202) 744-0204 (Alex) E-mail: ksternhell@sternhellgroup.com	
Project Description: Construction of steps & cheek walls at sidewalk and associated bluestone landing adjacent to brick sidewalk; installation of lamp post in Primrose Street right-of-way; construction of reconfigured steps at two ends of existing front porch; demolition of 12" of short walls at two ends of front porch.	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project: <input type="checkbox"/> Resident <input checked="" type="checkbox"/> ^{Landscape} Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner): Name: Lila Fendrick Work telephone: (301) 907-7700 x15 After-hours telephone: Cell phone: (301) 908-4797 E-mail: team@fendrickdesign.com	
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:	
Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:

Kathy Skyelee
AK SA

Date:

4/23/13

To be completed by Village staff:

Is this property within the historic district?

☒ Yes

☐ No

Staff Initials:

B

Date application filed with Village: *4/23/13*

Date permit issued: _____

Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:

<div style="border: 2px solid black; padding: 10px; text-align: center;"> <h1 style="margin: 0;">DENIED</h1> <p style="margin: 5px 0;">JAN 23 2013</p> <p style="margin: 0;">Chevy Chase Village Manager</p> </div>	Application denied for the following reasons:
	<p><i>Handwritten:</i> A special permit is required from the Board of Managers for the check walls, handrail, and lamppost.</p>

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>50.00</u> (see Permit Fee Worksheet) <input checked="" type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way) <i>check #3512</i>	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>previously assessed</i> <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$50.00</u>	Date: <u>1/23/13</u> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____
Cost of damage to R-O-W: (calculated at close-out) Amount of refund: _____	Date: _____ Village Manager Signature: _____

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property:	27 Mimrose
Describe the Proposed Project:	Construct A pair of cheek walls & A handrail Alongside new set of steps & install A light post, All in the Mimrose St. right-of-way. Replace the driveway.
Applicant Name(s) (List all property owners):	KRISTY STERNHELL, Alex Sternhell
Daytime telephone:	(301) 656-0209
Cell:	(202) 441-5105
E-mail:	k.sternhell@sternhellgroup.com
Address (if different from property address):	
For Village staff use:	
Date this form received:	1/24/13
Special Permit No:	A-6267a-d

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Alex Sternhell

Date: 1/23/13

Applicant's Signature: Kristy Sternhell

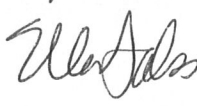
Date: 1/23/13

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: \$300.00	Date Paid: 1/23/13 Staff Signature: 
by Kendrick L.A.	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

(Pertaining to Right-of-Way)

A statement in support of a special permit should set forth all the relevant facts and explain how the proposed construction satisfies each of the requirements of Village Code Section 8-11 (b).

Relevant Facts

The application proposes the construction of steps at the sidewalk centered on the front door, similar to those found at other houses along the block, including the adjacent property to the east. These would be set 2'-0" behind the existing brick sidewalk with a 2'-0" deep by 6'-0" wide landing of select Pennsylvania Bluestone between the brick sidewalk and the lowest step riser. The steps would be 6'-0 $\frac{3}{4}$ " long from the bottom riser to the back of the top tread. The bottom most riser would be located 21'-11 $\frac{3}{4}$ " from the south property line. The steps would be 6'-0" wide and flanked by 12" wide cheek walls. The total width would be 8'-0". The cheek walls would be 7'-4 $\frac{7}{8}$ " long and extend 23'-4" beyond the property line. The outside edge of the west cheek wall would be located 83'-10 $\frac{1}{8}$ " from the west property line and the outside edge of the east cheek wall would be located 33'-1 $\frac{7}{8}$ " from the east property line. The tops of the cheek walls would be 12" above the adjacent grades. The steps would be built with bluestone treads and stone risers. A post light would be placed to the side of the steps. This light would be located 9'-2 $\frac{3}{4}$ " from the sidewalk and 14'-9" from the property line. A thirty six inch (36") metal handrail would be placed on one side of the steps.

Satisfaction of Requirements of Village Code Section 8-11 (b)

To hear and decide any application for a special permit required by this chapter. Such a special permit may be granted by the Board of Managers only if it finds that:

- 1) *The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;*
 - 2) *The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter;*
 - 3) *For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Article IV of this Chapter, the structure authorized by the proposed special permit would not violate any covenant applicable to the property.*
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1. The proposed construction of steps, cheek walls, pole light and handrail will not affect the public health, safety, or welfare, nor the reasonable use of adjoining properties. Similar conditions exist elsewhere along the block without adversely affecting adjoining properties or the public overall.
 2. The construction proposed would not impair the intent and purpose of the chapter; it will not block air circulation, adversely change the character of the property, create unsafe conditions, block vistas, or restrict air circulation. Any decrease in green space incurred by the steps and landing is less than the amount of green space gained by the removal of the steps and landing previously situated to the southwest of the site.
 3. A covenant applicable to the property states that no structure of any description shall be constructed within 25 feet of the front property line. However, the Board has previously determined that this covenant can be considered as unenforceable at this property, as a portion of the original front porch was constructed forward of the building restriction line. Additionally, a precedent was established in a previous appeal, by another resident at another address, that the front 25' covenant setback restriction was not enforceable, allowing the Board to approve that previous appeal. No other covenants applicable to the property are relevant to the construction proposed in this Special Permit Application.

(Pertaining to Driveway)

A statement in support of a special permit should set forth all the relevant facts and explain how the proposed construction satisfies each of the requirements of Village Code Section 8-11 (b).

Relevant Facts

The application proposes the repaving of driveway in front of the garage at the existing dimensions, which do not currently comply with Village Code Section 8-26. This section states that "the apron in front of a two car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length." The existing condition is that the paving extends the full width of the two car garage but the apron is 33'-0" in length. The application proposes that the repaving of the driveway maintains the existing dimensions.

Satisfaction of Requirements of Village Code Section 8-11 (b)

To hear and decide any application for a special permit required by this chapter. Such a special permit may be granted by the Board of Managers only if it finds that:

- 1) The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;*
- 2) The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter;*
- 3) For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Article IV of this Chapter, the structure authorized by the proposed special permit would not violate any covenant applicable to the property.*

1. The proposed construction of repaving the existing driveway with the same dimensions will not affect the public health, safety, or welfare, nor the reasonable use of adjoining properties because the condition has already existed at the property without doing so.
2. The proposed construction would not impair the intent and purpose of the chapter; it will not block air circulation, adversely change the character of the property, create unsafe conditions, block vistas, restrict air circulation, or decrease green space.
3. The proposed construction of repaving the existing driveway with the same dimensions will not violate any covenant applicable to the property.